

FEB 13 2012

U.S. DISTRICT COURT
W. DIST. OF N.C.

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

CASE NO. 1:10-CV 289

WENDY OLSEN,

Plaintiff

vs.

DAYMARK RECOVERY
SERVICES,

Defendant

ORDER

THIS MATTER is before the Court on the Defendant's Motion In Limine (#34). Having considered said motion the Court enters the following evidentiary rulings:

1a. This Motion is denied without prejudice to renewal at such time as the evidentiary dispute arises during the trial of this matter.

1b. Allowed.

1c. This Motion is denied without prejudice to renewal at such time as the evidentiary dispute arises during the trial of this matter.

1d. Allowed.

2a. Allowed.

3a. Allowed.

3b. This Motion is denied without prejudice to renewal at such time as the evidentiary dispute arises during the trial of this matter.

4a. This Motion is denied without prejudice to renewal at such time as the evidentiary dispute arises during the trial of this matter.

4b. This Motion is denied without prejudice to renewal at such time as the evidentiary dispute arises during the trial of this matter.

5a. The Court's reading of Proud v. Stone, 945 F.2d 1796 (4th Cir. 1991) shows that the Fourth Circuit has allowed an "inference" to be considered by the jury. If such evidence is presented the Court will allow it for the purpose of the jury considering the evidence as an "inference" only.

6a. This Motion is denied without prejudice to renewal at such time as the evidentiary dispute arises during the trial of this matter.

6b. This Motion is denied without prejudice to renewal at such time as the evidentiary dispute arises during the trial of this matter.

6c. This Motion is denied without prejudice to renewal at such time as the evidentiary dispute arises during the trial of this matter.

6d. This Motion is denied without prejudice to renewal at such time as the evidentiary dispute arises during the trial of this matter.

6e. This Motion is denied without prejudice to renewal at such time as the evidentiary dispute arises during the trial of this matter.

6f. This Motion is denied without prejudice to renewal at such time as the evidentiary dispute arises during the trial of this matter.

This the 13th day of February, 2012.

A handwritten signature in black ink, appearing to read "Dennis L. Howell", is written over a horizontal line.

Dennis L. Howell, United States
Magistrate Judge, Judge Presiding